

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SE/S Lynch Road, 258.49 ft. \* ZONING COMMISSIONER  
SW of Alice Avenue \*  
1225 Lynch Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \* Case Nos. 92-318-A  
John C. Connolly, et ux \*  
Petitioners \*

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SE/S Lynch Road, 308.49 ft. \* ZONING COMMISSIONER  
SW of Alice Avenue \*  
1223 Lynch Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \* Case Nos. 92-319-A  
Martin J. Connolly, et ux \*  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above cases come before the Zoning Commissioner as a consolidated matter involving adjacent properties known as 3223 Lynch Road and 3225 Lynch Road. The property known as 3223 Lynch Road is owned by Martin J. Connolly and B. Kathryn Connolly. The neighboring property known as 3225 Lynch Road is owned by John C. Connolly and Beverly M. Connolly, the parents of Martin J. Connolly.

A public hearing was held for these cases and all of the property owners appeared at that time. There were no Protestants or other interested persons present.

Testimony and evidence offered at the public hearing disclosed that the Mr. and Mrs. John C. Connolly purchased both properties approximately 35 years ago. The properties are located in the Lynch Point subdivision

of Baltimore County near Back River. This community has been in existence for many years. When Mr. and Mrs. John C. Connolly originally purchased the property in the community, they bought four (4) 25 ft. wide lots. Upon two (2) of the lots a dwelling was constructed, known as 3225 Lynch Road, in which they have lived since their purchase.

Recently, Mr. and Mrs. John C. Connolly sold the adjacent two (2) 25 ft. lots to their son and his wife, Martin J. and B. Kathryn Connolly. Upon this 50 ft. wide parcel, Mr. and Mrs. Martin J. Connolly propose to construct a dwelling and live thereon.

As to the relief requested, Mr. and Mrs. John C. Connolly seek a variance from Section 1802.3.C.1 to allow for a buildable lot with an existing house 50 ft. wide, in lieu of the required 55 ft. Also, a variance is requested from the side yard setback requirement of 10 ft. The existing house, which is improved with an attached garage, sits within 2 ft. of the property line.

As to case No. 92-319-A, Mr. and Mrs. Martin J. Connolly also request a variance from Section 1802.3.C.1 of the B.C.Z.R. They desire permission to construct a dwelling on a lot with a width of 50 ft. in lieu of the minimum required 55 ft.

Testimony and evidence offered was uncontradicted, that this is an old subdivision which was originally laid out on 50 ft. lots. In fact, the plats to accompany the Petitions for Zoning Variance, which is marked Petitioner's Exhibit No. 1 for 3223 Lynch Road, and Petitioner's Exhibit No. 2 for 3225 Lynch Road, show that all of the neighboring properties are on 50 ft. lots. Mr. John Connolly was one of the few purchasers in the community who purchased an extra two lots.

-2-

In support of the variances, to permit dwellings on 50 ft. lots, the owners of both properties argue that the properties would be undevelopable if strict adherence to the 55 ft. standard was required. Therefore, it is asserted that the property owners would suffer real practical difficulty if the variances were denied. As to the setback requirement, none is needed for the proposed dwelling at 3223, however, because of the attached garage, a two foot variance is required at 3225. If that variance was denied, removal of the garage would be required.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result

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if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Both properties lie within close proximity to Back River and are, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safe-

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ty, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of April, 1992 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow for a buildable lot (with an existing house) 50 ft. wide, in lieu of the required 55 ft., and a variance from the side yard setback requirement of 2 ft. (for an attached garage), in lieu of the minimum required 10 ft., in accordance with Petitioners' Exhibit No. 2 for that property known as 3225 Lynch Road, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the B.C.Z.R. to construct a dwelling on a lot with a width of 50 ft., in lieu of the minimum required 55 ft., in accordance with Petitioners' Exhibit No. 1, for that property known as 3223 Lynch Road, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

-5-

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 8, 1992, attached hereto and made a part hereof.

LES/mnn

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 13, 1992

Mr. and Mrs. John C. Connolly  
Mr. and Mrs. Martin J. Connolly  
3225 Lynch Road  
Baltimore, Maryland 21219

RE: Petitions for Zoning Variance  
Case No. 92-318-A - 3225 Lynch Road  
Case No. 92-319-A - 3223 Lynch Road

Dear Mr. and Mrs. Connolly:

Enclosed please find the decision rendered in the above captioned cases. The Petitions for Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mnn  
encl.

## Petition for Variance

to the Zoning Commissioner of Baltimore County 92-318-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow for a buildable lot (with an existing house) with a lot width of 50 ft. and a side yard setback of 2 ft. (for an attached garage) in lieu of the minimum required 55 ft. and 10 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) It would be a physical and financial hardship to move the existing house and garage to allow for the building of lot 3223. It would also be a hardship because we wanted our children close by in our senior years to assist with the maintenance of our home at 3225 Lynch Rd. Being on a fixed retirement income, their assistance by being right next door would be invaluable.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

John C. Connolly

(Type or Print Name)

Signature

Beverly M. Connolly

(Type or Print Name)

Signature

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Signature

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City and State

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Address

City and State

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

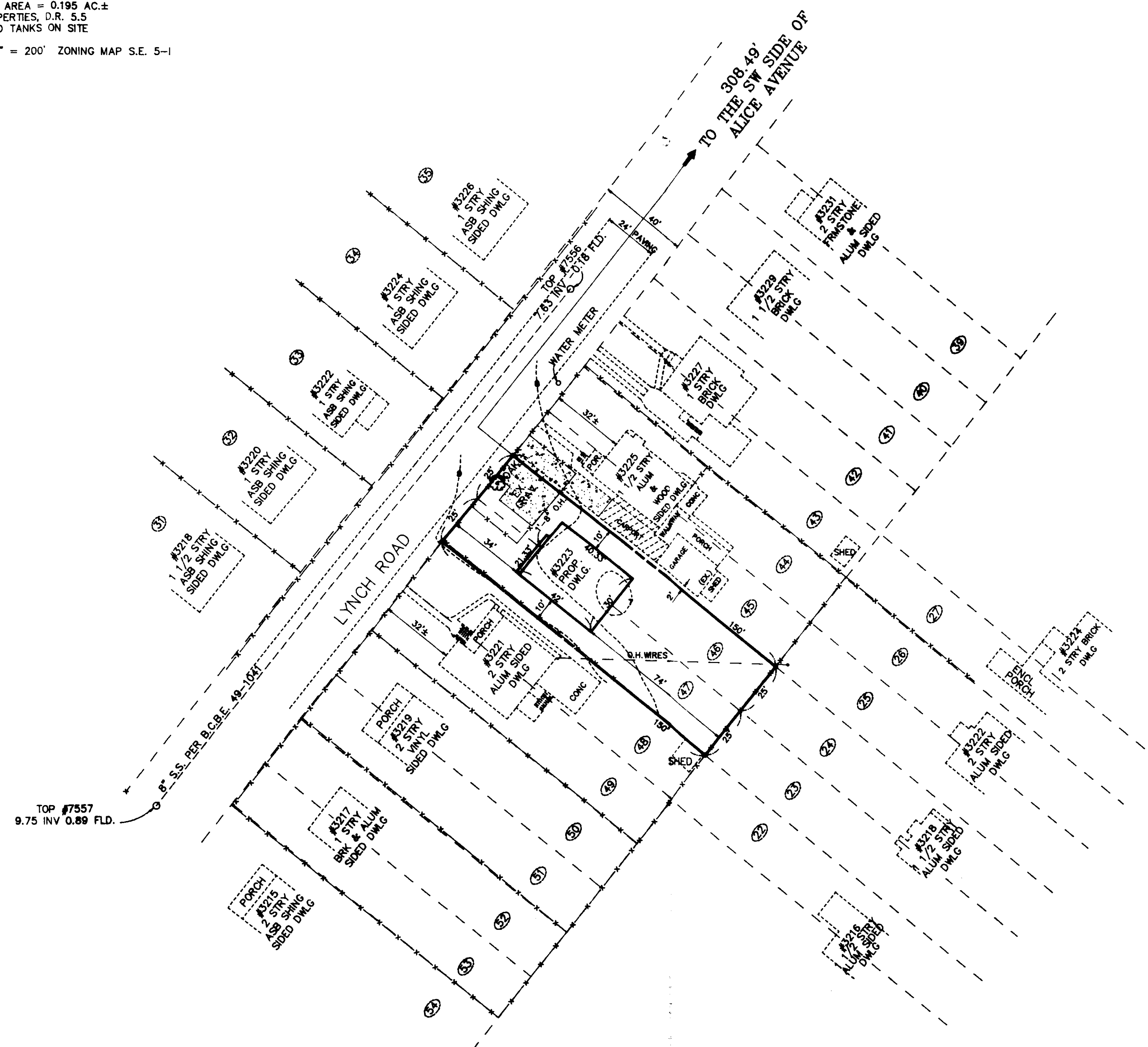
ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: DATE

-6-

- 



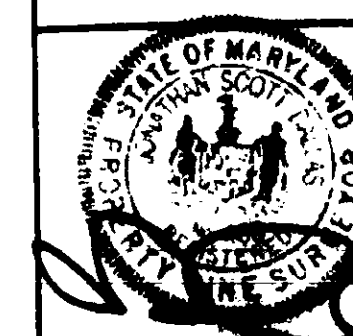
92-319-A

[illegible]

#3223 LYNCH ROAD

15th ELECTION DISTRICT BALTIMORE COUNTY, MD.  
SCALE: 1" = 30' 02-12-92

DEED REFERENCE: (NEW)  
TAX ACCOUNT #: 15-03-471581



**J.S. DALLAS, INC.**  
Surveying & Engineering  
4932 Hazelwood Avenue  
Baltimore, Maryland 21206  
Telephone: (301) 886-2001

DNG- F



# J.S. DALLAS, INC.

Surveying & Engineering  
4932 Hazelwood Avenue  
Baltimore, Md. 21206  
(410) 866-2001  
FAX (410) 866-2003

330

92-318-A

## ZONING DESCRIPTION FOR 3225 LYNCH ROAD

BEGINNING at a point on the southeast side of Lynch Road which is 40 feet wide at the distance of 258.49 feet ± southwest of Alice Avenue which is 40 feet wide.  
BEING Lots 44 and 45 Block "N" in the subdivision of Lynch Point as recorded in Baltimore County Plat Book # 8, folio # 38, containing 7500 S.F. ± = 0.172 AC. ±. Also known as 3225 Lynch Road and located in the 15th Election District.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 3/14/92  
Posted for: John C. and Beverly M. Connolly  
Petitioner: John C. and Beverly M. Connolly  
Location of property: 3225 Lynch Road, S.W. of Alice Avenue, 15th Election District  
Location of Sign: 3225 Lynch Road, S.W. of Alice Avenue, 15th Election District  
Remarks: None  
Posted by: Michael Lee Date of return: 3/14/92  
Number of Signs: 2

## CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992

THE JEFFERSONIAN,

S. Zake Olson  
Publisher

\$75.01

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zake Olson  
Publisher

\$75.01

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case Number: 92-318-A  
3225 Lynch Road, 258.49' SW of Alice Avenue  
15th Election District  
7th Councilmanic District  
Petitioner(s): John C. and Beverly M. Connolly  
Hearing Date: Wednesday, April 1, 1992 at 2:30 p.m.  
Variance to allow for a building lot (with an existing house) with a lot width of 50 feet and a side yard setback of 2 feet (for an attached garage) in lieu of the minimum required 55 feet and 10 feet, respectively.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
NETUS/112 March 12

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 2-21-92

John C. Connolly  
# 3223 Lynch Rd.  
Residential Variance

Filing Fee \$35.00

Account: R-001-6150  
Number

ITEM 330

04 108903811-13RE  
BA C0121467402-21-92  
Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 2/26/92 Account: R-001-6150  
Number  
PUBLIC HEARING FEE: 1 X PRICE: \$35.00  
ZONING VARIANCE FEE: 1 X PRICE: \$35.00  
TOTAL: \$35.00

PAID PER HAND WRITTEN  
RECEIPT DATED 2/21/92

Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 3/17/92

John C. and Beverly M. Connolly  
3225 Lynch Road  
Baltimore, Maryland 21219

RE:  
CASE NUMBER: 92-318-A  
SE, Lynch Road, 258.49' SW of Alice Avenue  
3225 Lynch Road  
15th Election District - 7th Councilmanic  
Petitioner(s): John C. and Beverly M. Connolly

Dear Petitioner(s):

Please be advised that \$ 100.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

MARCH 5, 1992

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-318-A  
SE, Lynch Road, 258.49' SW of Alice Avenue  
3225 Lynch Road  
15th Election District - 7th Councilmanic  
Petitioner(s): John C. and Beverly M. Connolly  
HEARING: WEDNESDAY, APRIL 1, 1992 at 2:30 p.m.

Variance to allow for a building lot (with an existing house) with a lot width of 50 feet and a side yard setback of 2 feet (for an attached garage) in lieu of the minimum required 55 feet and 10 feet, respectively.

Lawrence E. Schmidt  
Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County  
cc: John C. and Beverly M. Connolly

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 26, 1992

Mr. & Mrs. John C. Connolly  
3225 Lynch Road  
Baltimore, MD 21219

RE: Item No. 330, Case No. 92-318-A  
Petitioner: John C. Connolly, et ux  
Petition for Variance

Dear Mr. & Mrs. Connolly:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 24th day of February, 1992.

Arnold Jablon  
ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Manning Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: John C. Connolly, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 10, 1992

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Connolly Property, Item No. 331  
Connolly Property, Item 330  
Wagandt Property, Item 345  
Wilson Property, Item 344  
Dieter Property, Item 342  
Levenson Property, Item 337  
Bialek Property, Item 340  
O'Neill Property, Item 324

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn  
ITEM331/TXTROZ

RECEIVED  
MAR 11 1992  
ZONING OFFICE

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

MARCH 3, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN C. CONNOLLY AND BEVERLY N. CONNOLLY  
Location: #3725 LYNCH ROAD  
Iter No.: 330 Zoning Agency: FEBRUARY 3, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management

FROM: A. J. Haley, Deputy Director  
Economic Development Commission

DATE: March 3, 1992

RE: Zoning Advisory Comments for Meeting of March 3, 1992

This office has no comment for items 328, 329, 330, 331, 332, 333, and 334.

c: Ken Nohe

RECEIVED  
MAR 3 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: March 16, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 3, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 117 (Case No. 92-108-X), 329, 330, 331, 333 and 334.

For Item 316, the previous minor subdivision comments still apply.

For Item 298 (Case No. 92-296-XA), and Item 332, the sites must be submitted through the new subdivision process for review and comments.

For Item 328, the site must be submitted through the minor subdivision process for review and comments.

[Signature]  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

RECEIVED  
MAR 17 1992  
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: March 26, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 3, 1992

This office has no comments for item numbers 328, 329, 330 and 331.

[Signature]  
Rahee J. Famili  
Traffic Engineer II

RJP/lvd

RECEIVED  
MAR 30 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: April 8, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 331  
Martin J. Connolly Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 3223 Lynch Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Martin J. Connolly

APPLICANT PROPOSAL

The applicant is proposing a new single family dwelling. The applicant has requested a variance from section 1802.3C.1 of the Baltimore County Zoning Regulations to permit "a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into a drywell. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

In addition, trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them. Therefore, the following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 3 items - ball and burlap or 2 gallon container size

Tree list: 1 item - ball and burlap 1 - 1.5 inch caliper

2. Regulation: "Before the issuance of any Use and Occupancy permit within the Critical Area by the Department of Permits and Licenses, the Director of the Department of Environmental Protection and Resource Management, or his designee, shall determine that the development is in compliance with the Findings and Findings Plan as determined by the approving authority. The Use and Occupancy permit shall not be issued unless and until the Director of Environmental Protection and Resource Management, or his designee, certifies to the Director of Permits and Licenses that such development is in compliance with said Findings and Findings Plan" <Baltimore County Code, Section 26-455>.

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 3

Finding: The Chesapeake Bay Critical Area Program will inspect the property prior to the issuance of the Use and Occupancy Permit. The Permit will not be issued until the property is in compliance with the Chesapeake Bay Critical Area Regulations.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

[Signature]  
J. James Dieter, Director

JJD:NSP:ju  
Attachment

cc: Mr. and Mrs. Martin Connolly

CONNOLLY/TXTN55



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management  
DATE: April 8, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 330  
John C. Connolly Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 3225 Lynch Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Martin J. Connolly

APPLICANT PROPOSAL

The applicant is not proposing any development of the property. The applicant has requested a variance from section 1802.3C.1 of the Baltimore County Zoning Regulations to permit "a buildable lot (with an existing house) with a width of 50 feet and a side yard setback of two feet (for an attached garage) in lieu of the minimum required 55 feet and 10 feet respectively."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

R2

APR 11 1992  
ZONING OFFICE

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 2

DEFINITIONS

"Development activities means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures."

CONCLUSION

This project is not proposing any development activities in accordance with the definition above. Therefore this project does not require a Critical Area Finding.

If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director

JJD:NSP:ju  
Attachment

cc: Mr. and Mrs. John C. Connolly

JCONOLY/TXTN55

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mr. and Mrs. Martin J. Connolly  
3225 Lynch Road  
15th Election District  
7th - Councilmanic  
Petitioner(s) John C. and Dorothy M. Connolly  
Case # 92-318-A

3-20-92

Enclosed find Check for \$100.00  
for Advertising & Posting of sign for  
Property.

3225 Lynch Road  
15th Election District  
7th - Councilmanic  
Petitioner(s) John C. and Dorothy M. Connolly  
Case # 92-318-A

Thank you

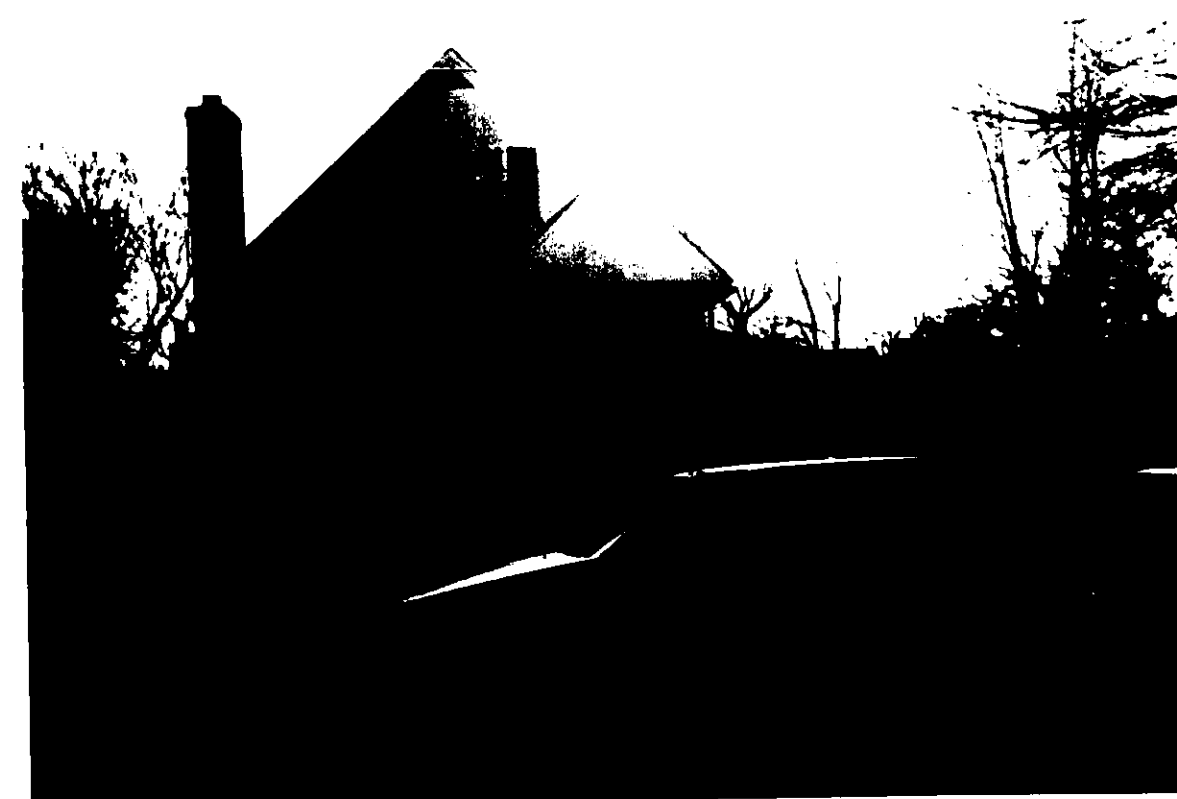
4/29/92

3/23/92  
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RECEIVED  
APR 21 1992  
ZONING OFFICE



92-318-A



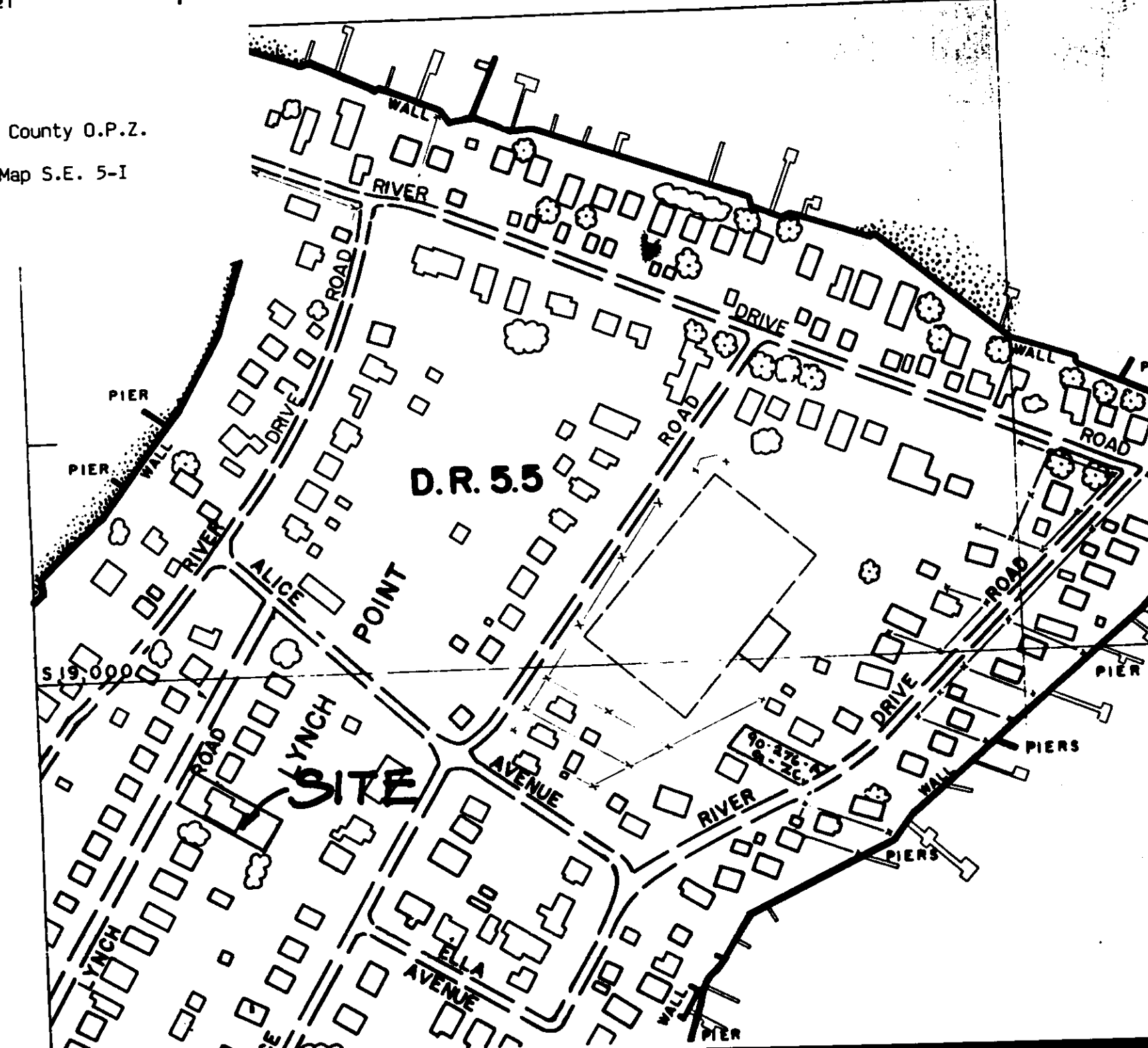
92-318-A



# 3225 LYNCH ROAD  
Part of Baltimore County O.P.Z.  
1" = 200' Zoning Map S.E. 5-I

330

92-318-A



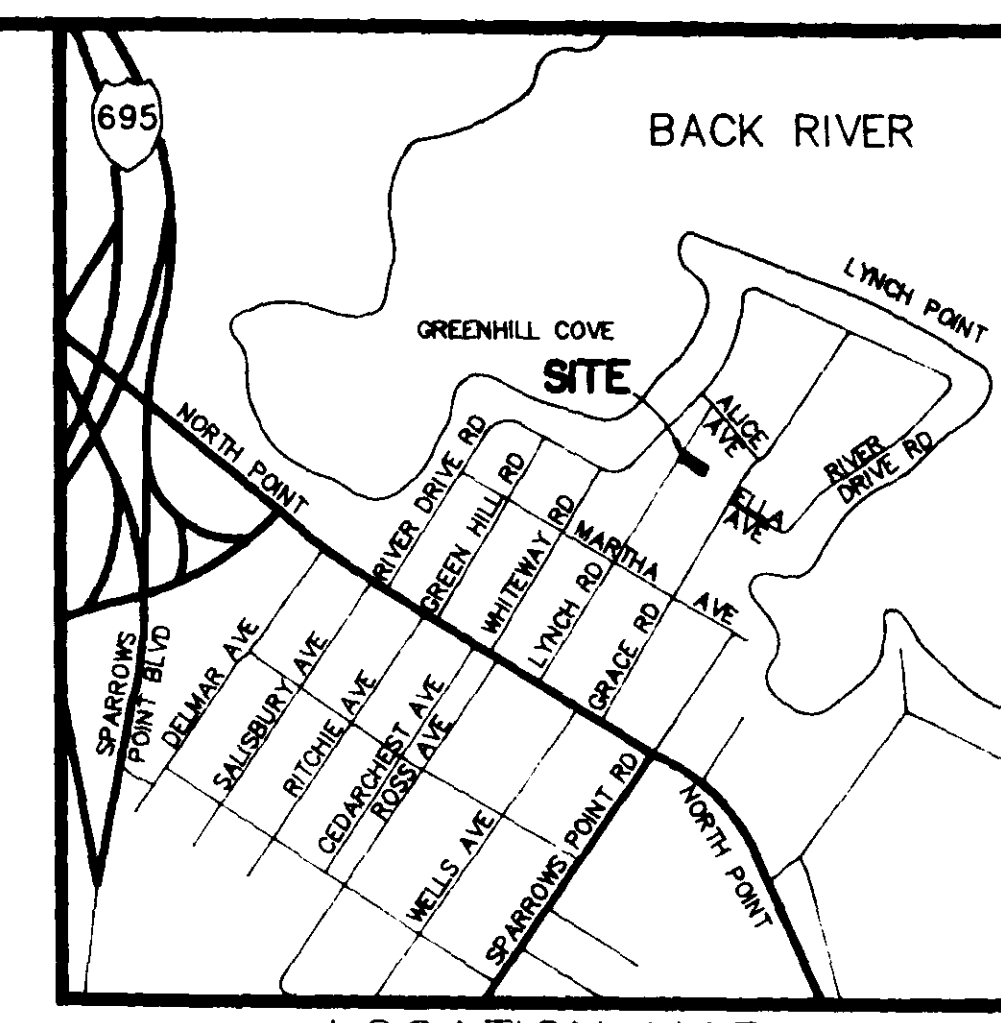
330

92-318-A

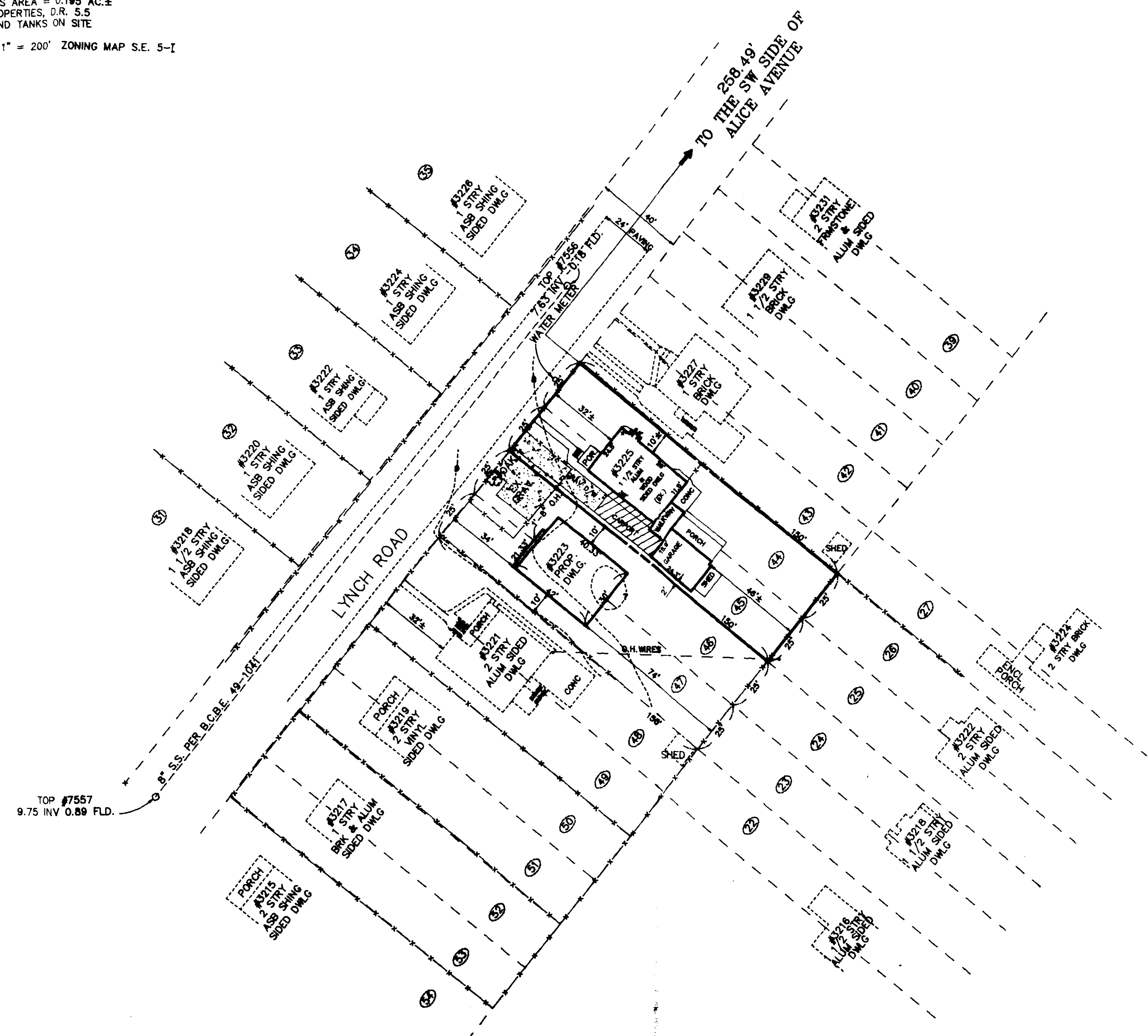
# 3225 LYNCH ROAD  
Part of Baltimore County O.P.Z.  
1" = 200' Photographic Map S.E. 5-I



- NOTES
1. ELECTION DISTRICT 15
  2. COUNCIL DISTRICT 7
  3. CENSUS TRACT 4520
  4. WATERSHED 21
  5. SUBSEWERSHED 43
  6. SITE ACREAGE NET = 0.172 AC.± GROSS AREA = 0.195 AC.±
  7. EX. ZONING OF SITE & SURROUNDING PROPERTIES, D.R. 5.5
  8. NO KNOWN WELLS, SDS OR UNDER GROUND TANKS ON SITE
  9. REGIONAL PLANNING DISTRICT 331.B
  10. SITE APPEARS ON BALTIMORE CO. O.P.Z. 1" = 200' ZONING MAP S.E. 5-I



LOCATION MAP  
SCALE: 1" = 1000'



92-318-A

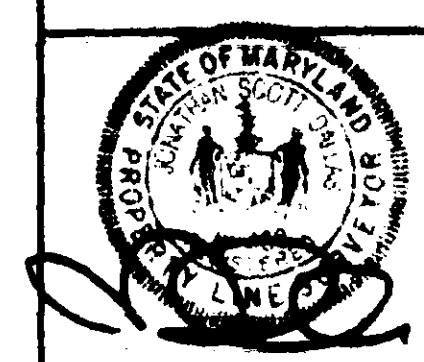
DATE	REVISION
	330

**REQUESTED VARIANCE**  
 VARIANCE FROM SECTION 1B02.3C.1 TO ALLOW A BUILDABLE LOT  
 (WITH AN EXISTING HOUSE) WITH A LOT WIDTH OF 50 FEET AND A SIDE YARD  
 SETBACK OF 2 FEET (FOR AN ATTACHED GARAGE) IN LIEU OF THE MINIMUM  
 REQUIRED 55 FEET AND 10 FEET RESPECTIVELY.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE  
**#3225 LYNCH ROAD**  
 LOTS 44 AND 45 BLOCK 'N' LYNCH POINT (8/36)  
 15th ELECTION DISTRICT BALTIMORE COUNTY, MD.  
 SCALE: 1" = 30' 02-12-92

**OWNER**  
 JOHN CARROLL CONNOLLY  
 AND BEVERLY M. CONNOLLY  
 3225 LYNCH ROAD  
 BALTIMORE, MD. 21219

DEED REFERENCE: 7530/644  
 TAX ACCOUNT #: 15-03-471890



**J.S. DALLAS, INC.**  
 Surveying & Engineering  
 4932 Hazelwood Avenue  
 Baltimore, Maryland 21206  
 Telephone: (301) 866-2801



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SE/3 Lynch Road, 100.49 ft. \* ZONING COMMISSIONER  
SW of Alice Avenue \* OF BALTIMORE COUNTY  
1225 Lynch Road \* Case Nos. 92-318-A  
15th Election District \*  
7th Councilmanic District \*  
John C. Connolly, et ux  
Petitioners \*

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SE/3 Lynch Road, 100.49 ft. \* ZONING COMMISSIONER  
SW of Alice Avenue \* OF BALTIMORE COUNTY  
1225 Lynch Road \* Case Nos. 92-319-A  
15th Election District \*  
7th Councilmanic District \*  
Martin J. Connolly, et ux  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above cases come before the Zoning Commissioner as a consolidated matter involving adjacent properties known as 3223 Lynch Road and 3225 Lynch Road. The property known as 3223 Lynch Road is owned by Martin J. Connolly and B. Kathryn Connolly. The neighboring property known as 3225 Lynch Road is owned by John C. Connolly and Beverly M. Connolly, the parents of Martin J. Connolly.

A public hearing was held for these cases and all of the property owners appeared at that time. There were no Protestants or other interested persons present.

Testimony and evidence offered at the public hearing disclosed that the Mr. and Mrs. John C. Connolly purchased both properties approximately 35 years ago. The properties are located in the Lynch Point subdivision

of Baltimore County near Back River. This community has been in existence for many years. When Mr. and Mrs. John C. Connolly originally purchased the property in the community, they bought four (4) 25 ft. wide lots. Upon two (2) of the lots a dwelling was constructed, known as 1225 Lynch Road, in which they have lived since their purchase.

Recently, Mr. and Mrs. John C. Connolly sold the adjacent two (2) 25 ft. lots to their son and his wife, Martin J. and B. Kathryn Connolly. Upon this 50 ft. wide parcel, Mr. and Mrs. Martin J. Connolly propose to construct a dwelling and live thereon.

As to the relief requested, Mr. and Mrs. John C. Connolly seek a variance from Section 1802.3.C.1 to allow for a buildable lot with an existing house 50 ft. wide, in lieu of the required 55 ft. Also, a variance is requested from the side yard setback requirement of 10 ft. The existing house, which is improved with an attached garage, sits within 2 ft. of the property line.

As to case No. 92-319-A, Mr. and Mrs. Martin J. Connolly also request a variance from Section 1802.3.C.1 of the B.C.Z.R. They desire permission to construct a dwelling on a lot with a width of 50 ft. in lieu of the minimum required 55 ft.

Testimony and evidence offered was uncontradicted, that this is an old subdivision which was originally laid out on 50 ft. lots. In fact, the plats to accompany the Petitions for Zoning Variance, which is marked Petitioner's Exhibit No. 1 for 3223 Lynch Road, and Petitioner's Exhibit No. 2 for 3225 Lynch Road, show that all of the neighboring properties are on 50 ft. lots. Mr. John Connolly was one of the few purchasers in the community who purchased an extra two lots.

In support of the variances, to permit dwellings on 50 ft. lots, the owners of both properties argue that the properties would be undevelopable if strict adherence to the 55 ft. standard was required. Therefore, it is asserted that the property owners would suffer real practical difficulty if the variances were denied. As to the setback requirement, none is needed for the proposed dwelling at 3223, however, because of the attached garage, a two foot variance is required at 3225. If that variance was denied, removal of the garage would be required.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and his property. McLean v. Soley, 270 Md. 208 (1971). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result

if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Both properties lie within close proximity to Back River and are, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safe-

ly, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of April, 1992 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow for a buildable lot (with an existing house) 50 ft. wide, in lieu of the required 55 ft., and a variance from the side yard setback requirement of 2 ft. (for an attached garage), in lieu of the minimum required 10 ft., in accordance with Petitioners' Exhibit No. 2 for that property known as 3225 Lynch Road, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the B.C.Z.R. to construct a dwelling on a lot with a width of 50 ft., in lieu of the minimum required 55 ft., in accordance with Petitioners' Exhibit No. 1, for that property known as 3223 Lynch Road, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 8, 1992, attached hereto and made a part hereof.

LES/mm

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 13, 1992

Mr. and Mrs. John C. Connolly  
Mr. and Mrs. Martin J. Connolly  
3225 Lynch Road  
Baltimore, Maryland 21219

RE: Petitions for Zoning Variance  
Case No. 92-318-A - 3225 Lynch Road  
Case No. 92-319-A - 3223 Lynch Road

Dear Mr. and Mrs. Connolly:

Enclosed please find the decision rendered in the above captioned cases. The Petitions for Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-319-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) It would be a financial hardship to lose the lot at 3223 Lynch Rd. as a building lot. We have already signed a contract with a builder. It would be impossible for us to obtain another lot, as the bank is allowing us to use the equity in this lot as the down payment for our home. It would also be an emotional hardship to our family. We want to be next door to our parents in their senior years. This would allow us to care for them and their property, so they may remain in the family home as long as possible. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Martin J. Connolly  
(Type or Print Name)

Signature

B. Kathryn Connolly  
(Type or Print Name)

Signature

3225 Lynch Road 412-4122

Baltimore, MD 21219 Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

# J.S. DALLAS, INC.

Surveying & Engineering  
4932 Hazelwood Avenue  
Baltimore, Md. 21206  
(410) 866-2001  
FAX (410) 866-2003

## ZONING DESCRIPTION FOR 3223 LYNCH ROAD

BEGINNING at a point on the southeast side of Lynch Road which is 40 feet wide at the distance of 308.49 feet ± southwest of Alice Avenue which is 40 feet wide.  
BEING Lots 46 and 47 Block "N" in the subdivision of Lynch Point as recorded in Baltimore County Plat Book # 8, folio # 38, containing 7500 S.F. ± = 0.172 AC. ±. To be known as 3223 Lynch Road and located in the 15th Election District.

331

92-319-A

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 3/17/92  
Posted for: Martin J. and B. Kathryn Connolly  
Location of property: 3225 Lynch Road, 308.49' SW of Alice Avenue, 15th Election District  
Location of Sign: 3225 Lynch Road, 308.49' SW of Alice Avenue, 15th Election District  
Remarks: Variance to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.  
Posted by: Lawrence E. Schmidt Date of return: 3/21/92  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zehe Publisher

\$65.64

## CERTIFICATE OF PUBLICATION

TOWSON, MD. March 12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992.

THE JEFFERSONIAN,

S. Zehe Publisher

\$65.64

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date 2-21-92

Martin J.  
Mr. Connolly

# 3225 Lynch Rd.

Residential Variance

Filing Fee \$ 35.00

92-319-A

Cashier Validation

Please Make Checks Payable To: Baltimore County  
BA 001216P002-21-92 \$35.00

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 2/26/92 Account: R 001-4150  
Number: 19200331  
PUBLIC HEARING FEE: \$35.00  
DIV: 1 X  
PRICE: \$35.00  
TOTAL: \$35.00  
LAST NAME OF OWNER: CONNOLLY

PAID PER HAND WRITTEN  
RECEIPT DATED 2/21/92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 2/21/92 Account: R 001-6150  
Number: 19200331

92-311

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 3/17/92

Martin J. and B. Kathryn Connolly  
3225 Lynch Road  
Baltimore, Maryland 21219

RE:  
CASE NUMBER: 92-319-A  
SE/S Lynch Road, 308.49' SW of Alice Avenue  
3223 Lynch Road  
15th Election District - 7th Councilmanic  
Petitioner(s): Martin J. and B. Kathryn Connolly

Dear Petitioner(s):

Please be advised that \$65.64 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE OTHER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jarlam

DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

MARCH 5, 1992

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-319-A  
SE/S Lynch Road, 308.49' SW of Alice Avenue  
3223 Lynch Road  
15th Election District - 7th Councilmanic  
Petitioner(s): Martin J. and B. Kathryn Connolly  
HEARING: WEDNESDAY, APRIL 1, 1992 at 2:30 p.m.

Variance to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.

Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Martin J. and B. Kathryn Connolly

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 26, 1992

Mr. & Mrs. Martin Connolly  
3225 Lynch Road  
Baltimore, MD 21219

RE: Item No. 331, Case No. 92-319-A  
Petitioner: Martin J. Connolly, et ux  
Petition for Variance

Dear Mr. & Mrs. Connolly:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 24th day of February, 1992.

Arnold Jarlam

DIRECTOR

Received By:

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Martin J. Connolly, et ux

Petitioner's Attorney:



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 10, 1992

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Connolly Property, Item No. 331 ✓  
Connolly Property, Item 330  
Wagandt Property, Item 345  
Wilson Property, Item 344  
Dieter Property, Item 342  
Levenson Property, Item 337  
Bialek Property, Item 340  
O'Neill Property, Item 324

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn  
ITEM331/TXTROZ

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

MARCH 3, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MARTIN J. CONNOLLY AND E. KATHRYN CONNOLLY

Location: #3223 LYNCH ROAD

Item No.: 331 Zoning Agenda: FEBRUARY 3, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management

FROM: A. J. Haley, Deputy Director  
Economic Development Commission

DATE: March 3, 1992

RE: Zoning Advisory Comments for Meeting of March 3, 1992

This office has no comment for items 328, 329, 330, 331, 332, 333, and 334.

c: Ken Nohe

RECEIVED  
MAR 5 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: March 16, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 3, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 117 (Case No. 92-106-X), 328, 330, 331, 333 and 334.

For Item 316, the previous minor subdivision comments still apply.

For Item 298 (Case No. 92-296-XA), and Item 332, the sites must be submitted through the new subdivision process for review and comments.

For Item 328, the site must be submitted through the minor subdivision process for review and comments.

Robert W. Bowling  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

RECEIVED  
MAR 17 1992  
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: March 26, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 3, 1992

This office has no comments for item numbers 328, 329, 330 and 331.

Rahee J. Famili  
Rahee J. Famili  
Traffic Engineer II

RJP/lvd

RECEIVED  
MAR 30 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: April 8, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 331  
Martin J. Connolly Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 3223 Lynch Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Martin J. Connolly

APPLICANT PROPOSAL

The applicant is proposing a new single family dwelling. The applicant has requested a variance from section 1802.3C.1 of the Baltimore County Zoning Regulations to permit "a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 2

REGULATIONS AND FINDINGS

- Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into a drywell. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

In addition, trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them. Therefore, the following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 3 items - ball and burlap or 2 gallon container size

Tree list: 1 item - ball and burlap 1 - 1.5 inch caliper

- Regulation: "Before the issuance of any Use and Occupancy permit within the Critical Area by the Department of Permits and Licenses, the Director of the Department of Environmental Protection and Resource Management, or his designee, shall determine that the development is in compliance with the Findings and Findings Plan as determined by the approving authority. The Use and Occupancy permit shall not be issued unless and until the Director of Environmental Protection and Resource Management, or his designee, certifies to the Director of Permits and Licenses that such development is in compliance with said Findings and Findings Plan" <Baltimore County Code, Section 26-455>.

Memo to Mr. Arnold Jablon  
April 8, 1992  
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Finding: The Chesapeake Bay Critical Area Program will inspect the property prior to the issuance of the Use and Occupancy Permit. The Permit will not be issued until the property is in compliance with the Chesapeake Bay Critical Area Regulations.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter  
J. James Dieter, Director

JJD:NSP:ju  
Attachment

cc: Mr. and Mrs. Martin Connolly

CONNOLLY/TXTNNS

92-319-A



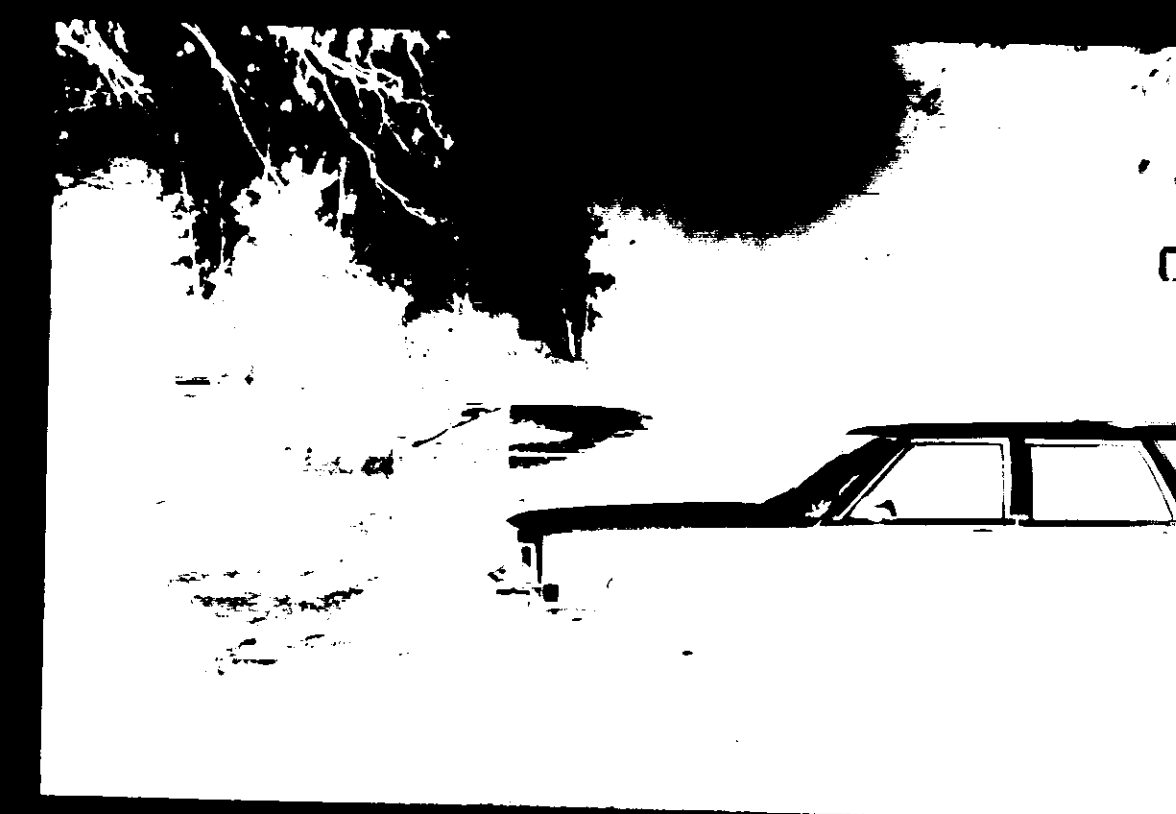
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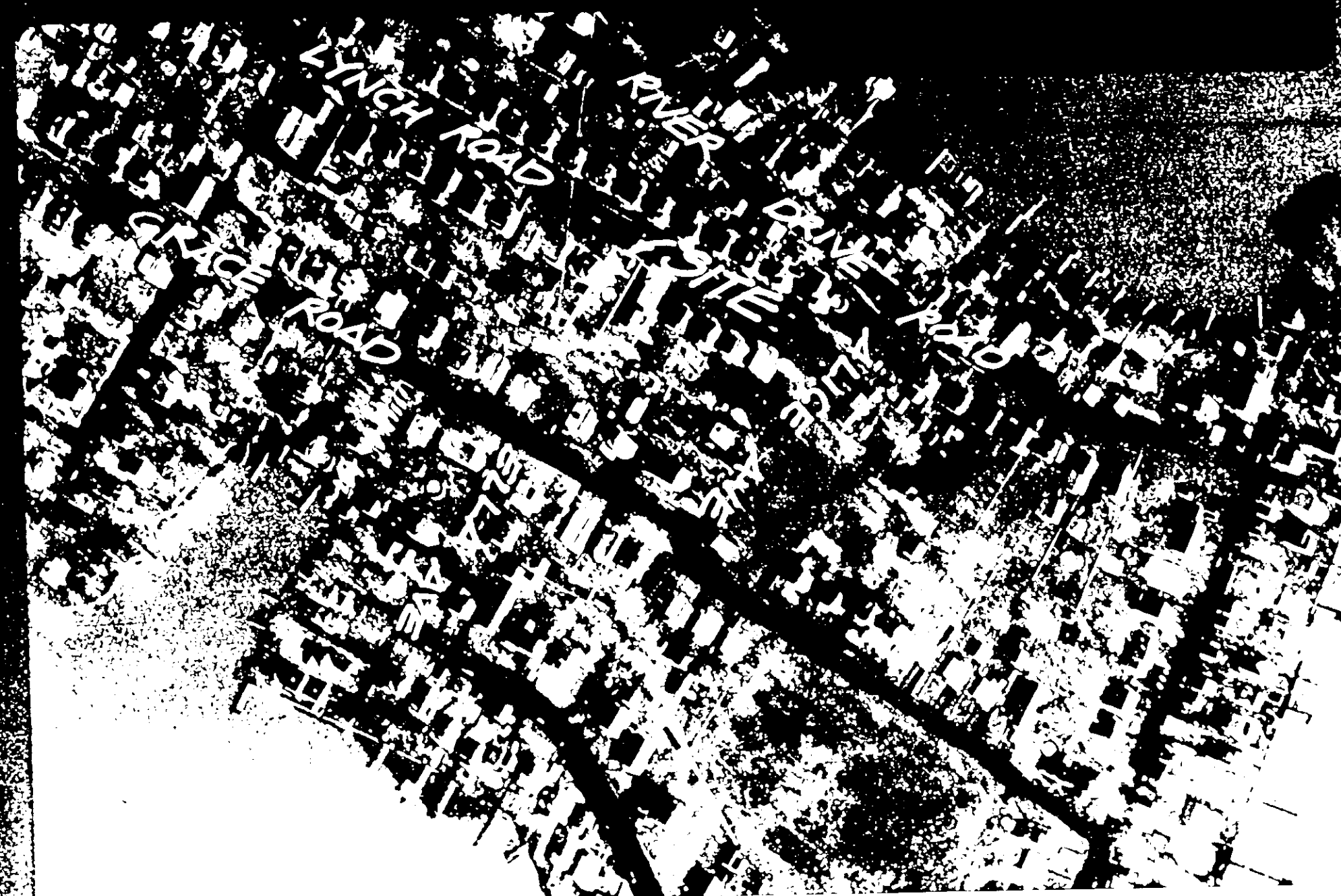
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# 3223 LYNCH ROAD  
Part of Baltimore County O.P.Z.  
1" = 200' Photographic Map S.E. 5-1



# 3223 LYNCH ROAD  
Part of Baltimore County O.P.Z.  
1" = 200' Zoning Map S.E. 5-1

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